

Page 9 10/563,959 ALU105136 LUC-744

**Remarks**

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. Claims 1-24 and 26-28 are pending.

Claim Rejections - 35 U.S.C. §101:

**Claims 1-12 and 26-27:**

Claims 1-12 and 26-27 were rejected under 35 USC 101 has not being a statutory category of invention. It was indicated that Supreme Court precedent for a statutory process under 35 USC 101 must (1) be tied to another statutory category, such as a particular apparatus, or (2) transform underlying subject matter to a different state or thing. It is stated that the claims recite a series of steps or acts to be performed and that the claims neither transform underlying subject matter nor possibly tied to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process. It is stated for example that the wavelet transform method including the steps of transforming, entropic encoding, and estimating are of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally verbally or without a machine. It is indicated that the applicant has provided no explicit definitions of the steps in the claim language itself is sufficiently broad to read on a person mentally going through the steps.

Applicant respectfully traverses the 35 USC 101 rejection of claim 1 and submits that it is directed to statutory subject matter. The wavelet transform method of claim 1 is explicitly recited as being implemented by a device including an image-data processor. Further, the steps of transforming, quantifying and entropic coding are recited as being performed by the image-data processor. One of ordinary skill in the art would understand that the wavelet transform method as described in claim 1 is practiced by an image-data processor, e.g. an electronic computing device. Therefore, it is clear that the recited steps in the claim language itself is sufficiently specific to define the method is being practiced by an image-data processor, which cannot reasonably be interpreted to mean a person mentally going through the steps.

The method of claim 1 is directed to process steps carried out by an image-data processor which calculates and generates transformed wavelet coefficients. The wavelet coefficients which comprise part of the underlying subject matter of claim 1 are transformed to a different state in accordance with its steps. This is similar to the process of *Diamond v. Diehr*, 450 US 175 (1981), in which the claimed process took temperature readings and used a mathematical algorithm to calculate the time when the curing time would be complete, i.e. the claimed method itself did not directly implement a change to a apparatus. The transformed wavelet coefficients in accordance with claim 1 are analogous to the computed curing time of Diehr. The US Supreme Court found the subject matter of Diehr to be drawn to statutory subject matter. Therefore, the subject matter of claim 1 is likewise directed to statutory subject matter. Withdrawal of the 35 USC 101 rejection of claim 1 is requested.

**Claims 13-25:**

Claims 13-25 were rejected under 35 USC 101 has been directed to non-statutory subject matter. It was stated that the body of the claim lacks definite structure indicative of a physical apparatus. It was stated that the claim as a whole appeared to be a system of software elements that define functionally descriptive material per se. Applicant respectfully traverses this rejection.

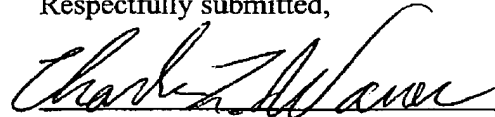
Claim 13 is directed to an image data compressor device that compresses digital image data by wavelet transformation. Furthermore, the body of the claim includes an image-data processing means that includes a plurality of modules. It includes a module that transforms image data into wavelet coefficients, a module that quantifies wavelength coefficients, and a module that entropically codes the wavelength coefficients. In addition, the processing means includes an estimator module adapted to estimate for each quotation of each sub-band of the image first and second sets of prediction parameters. It is clear that claim 13 does not claim a data structure per se. It is directed to physical, tangible modules that process and transform wavelet coefficients. The full scope of the claim as properly read in light of the disclosure encompasses a plurality of modules contained within the image data compressor as shown in FIG. 1. Therefore, claim 13 is

Page 11 10/563,959 ALU105136 LUC-744

directed to statutory subject matter and the withdrawal of the 35 USC 101 rejection of claim 13 is requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



Charles L. Warren  
Attorney for Applicants  
Reg. No. 27,407

Dated: March 30, 2009

PATTI, HEWITT & AREZINA, LLC  
Customer Number 47382